

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 752 OF 2020**  
**(Arising out of SLP (C) No. 23616/2018)**

**SUNDER GOLANI & ORS.**

**Appellant(s)**

**VERSUS**

**DHEERAJ VALLABDAS SANGHVI & ORS.**

**Respondent(s)**

**O R D E R**

**1) Leave granted.**

**2) The impugned order dated 04.04.2018 has wrongly rejected a transfer petition of a Suit filed in 2016 stating that such suit cannot, in law, be transferred under the Code of Civil Procedure. This is clearly an incorrect statement as the High Court has the power to withdraw any suit, appeal or proceeding pending in any Court subordinate to it and try or transfer the same, as clearly laid down in Section 24(1)(b) of the Code of Civil Procedure.**

**3) This being the case, we set aside the impugned judgment and transfer the said Suit to the High Court to be heard along with the writ petition and the 12 other suits that are being heard by the High Court.**

**4) Mr. Shridhar Y. Chitale, learned counsel for the respondent points out that in this suit an Order VII Rule 11 application has been filed. The same may be taken up and disposed of on its own merits expeditiously.**

**5) The Appeal is disposed of accordingly.**

..... J.  
**(ROHINTON FALI NARIMAN)**

..... J.  
**(S. RAVINDRA BHAT)**

**New Delhi;  
January 27, 2020.**

ITEM NO.37

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23616/2018

(Arising out of impugned final judgment and order dated 04-04-2018 in MCAST No. 22521/2017 passed by the High Court Of Judicature At Bombay)

SUNDER GOLANI &amp; ORS.

Petitioner(s)

VERSUS

DHEERAJ VALLABDAS SANGHVI &amp; ORS.

Respondent(s)

Date : 27-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.  
Ms. Gwen Karthika, Adv.  
Ms. Abha R. Sharma, AOR

For Respondent(s) Mr. Shridhar Y .Chitale, Adv.  
Ms. Sujata Kurdukar, AOR  
  
Mr. Abhijat P. Medh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The Appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)